

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

THE UNITED STATES OF AMERICA
Plaintiff,

vs.

CASE NO: 09:296-001(FAB)

Carlos Simon-Timmerman
Defendant

* * * * *

**MOTION NOTIFYING VIOLATION OF BAIL CONDITIONS AND REQUESTING NO
ACTION**

TO THE HONORABLE MARCOS E. LOPEZ
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, GUILLERMO ARBONA, U.S. PROBATION OFFICER OF THIS
COURT, and respectfully informs that:

1. On September 30, 2009, the Honorable Marcos E. Lopez, U.S. Magistrate Judge, ordered the defendant's release on secured bond and other bail conditions including home detention with electronic monitoring. The defendant lives and is being supervised in the Eastern District of New York.

2. On October 5, 2009, United States Pretrial Service Officer Anna Lee, from the U.S. Pretrial Services Office of the Eastern District of New York, received notification from the electronic monitoring company noting that the defendant was out of range from 11:48 to 13:33 without authorization, in violation to bail condition 7(t)(ii).

3. After being confronted with the aforementioned violation, the defendant disclosed that he left his residence to meet with his employer in order for him to start working. Pretrial Service Officer Marnie Gerardino verbally reprimanded Mr. Simon for leaving his residence without permission and reminded him that he is not allowed to leave his residence, unless he speaks to members of the Electronic Monitoring unit, and a schedule is granted. He apologized and indicated that he would not leave his residence again without permission.

WHEREFORE, based on the above and unless the Court rules otherwise we respectfully request that no action be taken at this time. Should further violations occur, we will notify the Court for the appropriate action.

In San Juan, Puerto Rico, this 22nd day of October 2009.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/ Guillermo A. Arbona
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GAA/

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 21, 2009, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Assistant United States Attorney Jenifer Yois Hernández-Vega and Assistant Federal Public Defender Héctor L. Ramos-Vega.

In Hato Rey, Puerto Rico, October 22, 2009.

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